

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

In re:

PG&E CORPORATION,

- and -

**PACIFIC GAS AND ELECTRIC
COMPANY,**

Debtors.

- ☐ Affects PG&E Corporation
- ☐ Affects Pacific Gas and Electric Company
- ☒ Affects both Debtors

** All papers shall be filed in the Lead Case, No. 19-30088 (DM).*

Bankruptcy Case No. 19-30088 (DM)

Chapter 11

(Lead Case) (Jointly Administered)

**NOTICE OF THE REORGANIZED
DEBTORS' FORTIETH OMNIBUS
OBJECTION TO CLAIMS
(NO LIABILITY / PASSTHROUGH CLAIMS)**

**Response Deadline:
December 1, 2020, 4:00 p.m. (PT)**

Hearing Information If Timely Response Made:

Date: December 15, 2020

Time: 10:00 a.m. (Pacific Time)

Place: (Telephonic Appearances Only)

United States Bankruptcy Court
Courtroom 17, 16th Floor
San Francisco, CA 94102

Dear Sirs

I am filing this response in opposition to the disallowance and/or expungement of the objected-to claim listed below

Creditor Name: Eben 818 LLC

Objected-To Claim(s)								
Claim/ Schedule to be Disallowed and Expunged	Debtor	Date Filed / Scheduled	Secured	Admin	Priority	General Unsecured	Total Amount	Basis for Objection
3922	Pacific Gas and Electric Company	07/24/2019	\$0.00	\$0.00	\$10,593.00	\$0.00	\$10,593.00	Damage not caused by PG&E

My name is Thomas Sinkiewicz

address: 818 Wake Forest Dr., mountain view California, 94043

phone number: 650-793-9365

email address: ebenseth@aol.com

I am the sole proprietor of EBEN 818 LLC and all replies and communication may be made to me

Dear Sirs

My name is Thomas Sinkiewicz I am the sole proprietor of Eben 818 LLC and the owner of Gayle Manor, a new residential/commercial building at 889 N. San Antonio Rd. in Los Altos. The general contractor is Carney construction consulting Inc.

On 2/21/2018 Pacific Gas & Electric was scheduled to hook up the gas to the building, however, no crews showed up from PG&E and no representative from PG&E called to cancel. KO construction and its crew and equipment were standing around all day waiting for PG&E to arrive.

KO underground construction charged me \$15,388. As you can see on invoice 5511 – 5. The final balance was \$22,133. I negotiated that balance down with KO to \$20,000 even.

I have included a copy of all the invoices from KO construction as well as a copy of the check for \$20,000 written by me I hope you will reimburse me in the amount of \$10,593, which is \$4795 less than KO charged to put in the gas line.

Thank you in advance for your consideration in this matter

Thomas Sinkiewicz

Thomas Sinkiewicz

*~~This~~ this is my statement to PGE that I sent
with my Proof of claim on 7/22/2019*

Dear Sirs

My name is Miguel Mattock. My address is 1088 Foothill Blvd Gilroy Ca 95020 and my phone number is (408)607-6196. I was employed by Carney construction company from approximately 2007 to 2019. During that time I was assigned various tasks to help complete the building projects the company was involved with.

One such building project was Gayle Manor, located at 889 N. San Antonio Rd. in Los Altos. The task I was assigned was to assist the project manager in the final stages of the completion of the building.

I was asked for my recollection of the events surrounding the installation of gas service to the building.

I remember the morning of the proposed gas tie- in.

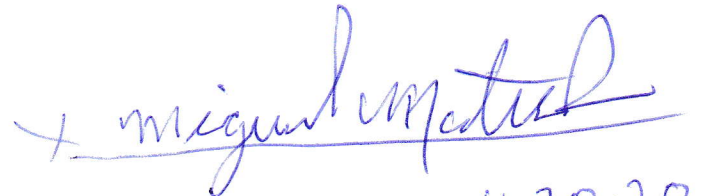
The traffic control people arrived shortly after 8 AM. For the next hour or so I was busy helping them set out cones and coordinating the traffic control with them. I believe that PG&E had set a window between 8 AM and 10 AM to arrive on site to begin the gas tie in . By 930 the traffic control had been set up and was in place as per city plan.

During this time. KO construction crew was busy moving equipment around and had lifted the steel plate covering the hole in the street and exposing the gas main line. I looked in the hole several times that morning and it appeared that all was well with plenty of room around the main to make the connection.

10 o'clock came and went as well as 11 o'clock and then 12 o'clock. Around noon. It became obvious that something was amiss. I could see the foremen for KO construction talking and gesturing between themselves and the equipment operators as well as with the traffic control people. Everybody seem to have a cell phone up to their ear.

As the afternoon wore on, it became clear that PG&E was not going to show up. Finally, Jesse, the foreman for KO construction said they had waited long enough and they put the plate back over the hole and the traffic control people picked up their cones and signs and I swept up the street and we called it a day.

I swear under the penalty of perjury that the above statement is true and correct to the best of my ability.



11-20-20



November 16, 2020

To whom it may concern:

K.O. Underground Construction performed work on the Gayle Manor project located in Los Altos, CA. On February 21, 2018 and March 7, 2018 K.O. Underground Construction was onsite with employees, equipment and Traffic Control for Gas Tie In, prescheduled with PG&E. PG&E was a no show, no cancelation which caused loss of revenue and expense to K.O. Underground Construction. Per the Gayle Manor project contract, K.O. Underground Construction billed all of the Labor and material directly to the General Contractor/Owner of the Gayle Manor project and advised them of filing a claim against PG&E for reimbursement of same.



11/16/2020

Joe Ogando
Project Manager
Gayle Manor project



K.O. UNDERGROUND CONSTRUCTION, INC.

102 WOLFSKILL STREET
WINTERS CA 95694
530.795.3816 - 530.795.3995 FAX

RECEIVED
By Danielle at 11:58 am, Jul 30, 2018

Date	Invoice #
7/31/2018	5511-5

Signed Contract ☒
Insur. & W9 ☒ & ☒
Invoices: ☒
App for pymt: ☒
Condt'l: ☒
Prior Uncondit'l: ☒
OCIP: ☒ C/O: ☒ Pending

CARNEY CONSTRUCTION CONSULTING INC.
221 MAIN STREET, SUITE 1922
LOS ALTOS CA 94022

Gayle Manor
895-897 N. San Antonio Road
Los Altos, CA
CC Job No. 11
Subcontract No. 18

ITEM	QTY	DESCRIPTION	RATE	Prior %	Curr %	Total %	AMOUNT
Additional Work	1	COR01R - Trucking, Off Haul, Traffic Control	44,144.34		100.00%	100.00%	44,144.34
Additional Work	1	COR02R - Gas Bell Hole	2,487.00		100.00%	100.00%	2,487.00
Additional Work	1	COR03 - Gas Tie in due to PG&E no show	9,213.00		100.00%	100.00%	9,213.00
Additional Work	1	COR04 - Traffic Control	1,380.00		100.00%	100.00%	1,380.00
Additional Work	1	COR05 - Gas Tie In due to PG&E cancellation	4,795.00		100.00%	100.00%	4,795.00
Additional Work	1	COR06 - Move In Equipment to drill Street Light Holes	3,500.00		100.00%	100.00%	3,500.00
Additional Work	1	COR07 - Bay Area Traffic Plan	1,200.00		100.00%	100.00%	1,200.00
Additional Work	1	COR08 - Install Street Light Poles	5,333.00		100.00%	100.00%	5,333.00
		Subtotal Change Orders COR01-COR08			100.00%	100.00%	72,052.34
Total							\$72,052.34
www.kounderground.net				Dorothy@kounderground.net			

PAID
Date 8/30/18 CK# 1539

\$ 66,459.25
paid
new balance:
52,153.09

1291

EBEN 818 LLC
818 WAKE FOREST DR
MOUNTAIN VIEW, CA 94043

DATE 11/14/18

90-4326-1211

PAY
TO THE
ORDER OF

K.O. Construction, Inc.

\$ 20,000.00

Twenty thousand dollars & 00/100

DOLLARS



BridgeBank

55 Almaden Boulevard
San Jose, California 95113
Bridge-Bank.com

FOR Gayle Manor at San Antonio Rd

Thomas Sinkovics

Case: 19-30088 Doc# 9617 Filed: 11/25/20 Entered: 11/30/20 08:03:14 Page 6 of 8

Date of this notice: 09-06-2013

Employer Identification Number:
46-3583976

Form: SS-4

Number of this notice: CP 575 G

For assistance you may call us at:
1-800-829-4933

EBEN 818 LLC
THOMAS SINKIEWICZ SOLE MBR
818 WAKE FOREST DR
MOUNTAIN VIEW, CA 94043

IF YOU WRITE, ATTACH THE
STUB AT THE END OF THIS NOTICE.

WE ASSIGNED YOU AN EMPLOYER IDENTIFICATION NUMBER

Thank you for applying for an Employer Identification Number (EIN). We assigned you EIN 46-3583976. This EIN will identify you, your business accounts, tax returns, and documents, even if you have no employees. Please keep this notice in your permanent records.

When filing tax documents, payments, and related correspondence, it is very important that you use your EIN and complete name and address exactly as shown above. Any variation may cause a delay in processing, result in incorrect information in your account, or even cause you to be assigned more than one EIN. If the information is not correct as shown above, please make the correction using the attached tear off stub and return it to us.

A limited liability company (LLC) may file Form 8832, *Entity Classification Election*, and elect to be classified as an association taxable as a corporation. If the LLC is eligible to be treated as a corporation that meets certain tests and it will be electing S corporation status, it must timely file Form 2553, *Election by a Small Business Corporation*. The LLC will be treated as a corporation as of the effective date of the S corporation election and does not need to file Form 8832.

To obtain tax forms and publications, including those referenced in this notice, visit our Web site at www.irs.gov. If you do not have access to the Internet, call 1-800-829-3676 (TTY/TDD 1-800-829-4059) or visit your local IRS office.

IMPORTANT REMINDERS:

- * Keep a copy of this notice in your permanent records. **This notice is issued only one time and the IRS will not be able to generate a duplicate copy for you.** You may give a copy of this document to anyone asking for proof of your EIN.
- * Use this EIN and your name exactly as they appear at the top of this notice on all your federal tax forms.
- * Refer to this EIN on your tax-related correspondence and documents.

If you have questions about your EIN, you can call us at the phone number or write to us at the address shown at the top of this notice. If you write, please tear off the stub at the bottom of this notice and send it along with your letter. If you do not need to write us, do not complete and return the stub.

Your name control associated with this EIN is EBEN. You will need to provide this information, along with your EIN, if you file your returns electronically.

Thank you for your cooperation.



State of California
Secretary of State

39

STATEMENT OF INFORMATION
(Limited Liability Company)

Filing Fee \$20.00. If this is an amendment, see instructions.

IMPORTANT — READ INSTRUCTIONS BEFORE COMPLETING THIS FORM

FILED
Secretary of State
State of California
SEP 13 2013

1. LIMITED LIABILITY COMPANY NAME

EBEN 818 LLC

21/PC
This Space For Filing Use Only

File Number and State or Place of Organization

2. SECRETARY OF STATE FILE NUMBER

201324610058

3. STATE OR PLACE OF ORGANIZATION (If formed outside of California)

Ca.

No Change Statement

4. If there have been any changes to the information contained in the last Statement of Information filed with the California Secretary of State, or no statement of information has been previously filed, this form must be completed in its entirety.

☐ If there has been no change in any of the information contained in the last Statement of Information filed with the California Secretary of State, check the box and proceed to Item 15.

Complete Addresses for the Following (Do not abbreviate the name of the city. Items 5 and 7 cannot be P.O. Boxes.)

5. STREET ADDRESS OF PRINCIPAL EXECUTIVE OFFICE

CITY

STATE

ZIP CODE

818 WAKE FOREST DR.

MOUNTAIN VIEW

CA 94043

6. MAILING ADDRESS OF LLC, IF DIFFERENT THAN ITEM 5

CITY

STATE

ZIP CODE

7. STREET ADDRESS OF CALIFORNIA OFFICE

CITY

STATE

ZIP CODE

818 WAKE FOREST DR.

MOUNTAIN VIEW

CA 94043

Name and Complete Address of the Chief Executive Officer, If Any

8. NAME

ADDRESS

CITY

STATE

ZIP CODE

Name and Complete Address of Any Manager or Managers, or if None Have Been Appointed or Elected, Provide the Name and Address of Each Member (Attach additional pages, if necessary.)

9. NAME

ADDRESS

CITY

STATE

ZIP CODE

THOMAS SINKIEWICZ 818 WAKE FOREST DR. MOUNTAIN VIEW CA 94043

10. NAME

ADDRESS

CITY

STATE

ZIP CODE

11. NAME

ADDRESS

CITY

STATE

ZIP CODE

Agent for Service of Process If the agent is an individual, the agent must reside in California and Item 13 must be completed with a California address, a P.O. Box is not acceptable. If the agent is a corporation, the agent must have on file with the California Secretary of State a certificate pursuant to California Corporations Code section 1505 and Item 13 must be left blank.

12. NAME OF AGENT FOR SERVICE OF PROCESS

THOMAS SINKIEWICZ

13. STREET ADDRESS OF AGENT FOR SERVICE OF PROCESS IN CALIFORNIA, IF AN INDIVIDUAL

CITY

STATE

ZIP CODE

818 WAKE FOREST DR. MOUNTAIN VIEW

CA 94043

Type of Business

14. DESCRIBE THE TYPE OF BUSINESS OF THE LIMITED LIABILITY COMPANY

CONSTRUCTION (REAL ESTATE DEVELOPMENT)